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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/053,402

01/17/2002

Jeffrey G. Anderson

\*\*SI-0004

1590

23377 7590 03/15/2010

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EXAMINER

TANG, KAREN C

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

03/15/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/053,402	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> KAREN C. TANG	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19, 20 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19, 20 and 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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- This action is responsive to the amendment and remarks file on 12/18/09.
- Claims 1-15, 19, 20 and 25-35 are presented for further examination.

### **DETAILED ACTION**

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15, 19, 20 and 25-35 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-16, 19-20, 25-30, 32-35 are rejected under 35 U.S.C. 101 because

Claim 8 is rejected because it is well known in the art that computer-readable medium is intended to be signal (e.g., downloaded from the Internet), therefore, a computer program having code recorded on a medium such as a signal storage is not tangible since such computer transport medium does not fall into the categories of "process", "machine", "manufacture" and "composition of matter" and is non-statutory subject matter.

#### ***Claim Rejections - 35 USC § 112***

Claims 8-16, 19-20, 25-30, 32-35 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such

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omission amounting to a gap between the necessary structural connections. See MPEP

§ 2172.01. The omitted structural cooperative relationships is/are: “processor” or “hardware processor” with the body of the claim limitation of claims 8 and 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-14, 31-32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hile et al hereinafter Hile (US 2002/0023140) in view of Jameson (US 2001/0047397) in further view of Lev Ran et al hereinafter Lev Ran (US 2007/0174428).

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1. Referring to Claim 1, Hile discloses a computer implemented method comprising:  
polling a server for a task request, the task request generated by a remote client computer (refer to par 0014), the task request requesting a file residing on a local computer (82, Fig 4);  
receiving the task request from the server, the task request identifying the file from the local computer associated with a local agent (based on the identifier of the requested, refer to 0021, upload the data file, refer to par 0021 and 0027);  
responsive to the task request, causing the file to be downloaded (refer to par 0027);  
waiting for a schedule timer to expire (periodically, contains timers, refer to par 0027);  
repeating at least the above act of polling a server for a task request (refer to par 0027).

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Although Hile disclosed the invention substantially as claimed, Hile did not explicitly disclosing that "wherein said task request is generated by a remote client computer and responsive to the task request, causing the file to be uploaded to the server."

Jameson, in analogous art, disclosing that " wherein said task request is generated by a remote client computer and responsive to the task request, causing the file to be uploaded to the server (refer to refer to par 0060-0064)"

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hile and Jameson because Jameson's teaching of "wherein said task request is generated by a remote client computer and responsive to the task request, causing the file to be uploaded to the server" would improve Hile's invention prevent user to pay for unwanted information and data in the network.

Although Hile and Jameson disclosed the invention substantially as claimed, Hile and Jameson did not explicitly disclosing that "receiving an indication of a file lock mode"

Lev Ran, in analogous art, disclosing "receiving an indication of a file lock mode (refer to par 0104

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hile, Jameson, and Lev Ran and because Lev Ran's teaching of " receiving an indication of a file lock mode" would improve Hile's invention in order to preventing conflict access of files usage in the system in order to provide consistence through the file storages in the network.

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2. Referring to Claim 2, Hile, Jameson, and Lev Ran disclosed computer implemented method of claims 1 and a computer readable storage medium of claim 8. Hile further disclosing:

setting up local agent preferences (local agent is configured software, par 0016 );

setting up remote client preferences (remote client is configured, refer to par 0016);

initiating the act of polling, based on the local agent preferences (configured to periodically poll the server, par 0027);

and initiating an act of uploading based on the remote client preferences (client can be set to automatically causing the agent to poll, par 0027).

3. Referring to Claim 3, Hile, Jameson, and Lev Ran disclosed computer implemented method of claims 1 and a computer readable storage medium of claim 8.

Hile further discloses act of polling occurs over a transmission control protocol/internet protocol stack, through functions specified in a simple object access protocol interpreter (refer to par 0015)."

4. Referring to Claims 4 and 5. Hile, Jameson, and Lev Ran disclosed computer implemented method of claims 1 and a computer readable storage medium of claim 8.

Hile discloses that initiating a request to the local computer file system for the file (refer to par 0014);

Although Hile disclosed the invention substantially, Hile did not explicitly disclosing that "instructing the local computer file system to upload the file to the server; receiving the file from the local computer file system; receiving an indication that the file was uploaded to the server."

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Jameson, in analogous art, disclosing that "instructing the local computer file system to upload the file to the server; receiving the file from the local computer file system; receiving an indication that the file was uploaded to the server (refer to par 0060-0064 and 0050)."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hile and Jameson because Jameson's teaching of "instructing the local computer file system to upload the file to the server; receiving the file from the local computer file system; receiving an indication that the file was uploaded to the server" would improve Hile's invention prevent user to pay for unwanted information and data in the network.

5. Referring to Claim 6, Hile, Jameson, and Lev Ran disclosed computer implemented method of claims 1 and a computer readable storage medium of claim 8.

Hile further disclosing discloses initiating a request to an interface for the file from a message access protocol interface database (refer to par 0026 and 0027); and receiving the file from the database (refer to par 0027).

6. Referring to Claim 31. Hile, Jameson, and Lev Ran disclosed computer implemented method of claims 1. Hile further disclosing wherein the timer resides in and is controlled by the local agent module (refer to par 0027);

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hile et al hereinafter Hile (US 2002/0023140) in view of Jameson (US 2001/0047397) in further view of

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Lev Ran et al hereinafter Lev Ran (US 2007/0174428) and Meadway et al hereinafter Meadway (US 6,675,205).

7. Referring to Claim 7, Hile, Jameson, and Lev Ran disclosed computer implemented method of claims 1.

Although Hile, Jameson and Lev Ran disclosed the invention substantially as claimed, Hile, Jameson and Lev Ran did not explicitly disclosing that "wherein the causing the file to be uploaded includes instructing the file to be sent to the server from the message access protocol database."

Meadway, in analogous art, disclosing that " wherein the causing the file to be uploaded includes instructing the file to be sent to the server from the message access protocol database (refer to Col 1, Lines 63-65 and Col 11, Lines 65-67 and Col 12, Lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hile, Jameson, Lev Ran and Meadway because Meadway's teaching of "wherein the causing the file to be uploaded includes instructing the file to be sent to the server from the message access protocol database." would improve Hile's invention to allow sharing files by system which are protected by a secure firewall.

8. Referring to Claims 8-15, 19, 20, 35-30, 32-35 are rejected with similar rational as Claims 1-6, 7, and 31.

### ***Conclusion***



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**Examiner's Notes:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-Thr 8 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karen C Tang/  
Primary Examiner, Art Unit 2451